

SECOND REGULAR SESSION

HOUSE BILL NO. 1577

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CAMPBELL, LAWSON, KELLY (27), KREIDER, WILSON (42), JOLLY, HARDING, LOWE, CURLS, FRANKLIN, SANDERS BROOKS (Co-sponsors), VAN ZANDT, MONACO, WILLOUGHBY, GAMBARO, JOHNSON (61), DAVIS, MAYS (50), WILLIAMS, VILLA, LADD BAKER, RELFORD, BOUCHER, SKAGGS, HOPPE, RIZZO, BONNER AND BLAND.

Read 1st time January 22, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4020L.01I

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the crime of tampering with pharmaceuticals, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.350, to read as follows:

565.350. 1. A person commits the crime of tampering with pharmaceuticals if such person purposely:

(1) Changes the chemical formula or dilutes a pharmaceutical from the concentration prescribed without the knowledge and consent of the individual who prescribed such pharmaceutical, and dispenses such pharmaceutical with the knowledge that the change in chemical formulation or dilution may impair the effectiveness of the pharmaceutical;

(2) Misrepresents a changed chemical formula or diluted pharmaceutical as an unchanged or undiluted pharmaceutical with the purpose of misleading the recipient or person administering such pharmaceutical;

(3) Sells pharmaceuticals provided to physicians as samples;

(4) Sells any misbranded pharmaceutical; or

(5) Sells pharmaceuticals over the Internet without a prescription.

2. Tampering with pharmaceuticals is a class B felony, unless death or serious physical injury occurs as a result of such tampering, in which case the offense is a class A felony.

17 **3. Any violation of this section shall also be an unfair merchandising practice**
18 **pursuant to section 407.020, RSMo.**

19 **4. Any person who violates this section shall be reported to the appropriate**
20 **licensing board and shall have his or her professional license immediately revoked if such**
21 **violations involve the change of chemical formula or dilution of pharmaceuticals, improper**
22 **substitution of pharmaceuticals, sale of misbranded pharmaceuticals, or the sale of**
23 **pharmaceuticals provided to physicians as samples.**